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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KRUEGER ET AL.	Examiner:	UNKNOWN
Serial No.:	10/665,941	Group Art Unit:	3738
Filed:	SEPTEMBER 19, 2003	Docket:	13033.10US01
Confirmation No.:	6541	Notice of Allow. Date:	N/A
Due Date:	N/A		
Title:	AIRWAY IMPLANT AND DELIVERY TOOL AND KIT		

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on October 11, 2005.

By: 

Name: Linda M. Beckman

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450



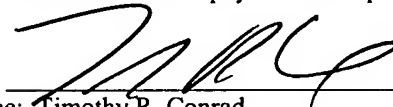
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 1 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Timothy R. Conrad  
Reg. No.: 30,164  
TRC:lmb



S/N 10/665,941

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KRUEGER ET AL. Examiner: UNKNOWN  
Serial No.: 10/665,941 Group Art Unit: 3738  
Filed: SEPTEMBER 19, 2003 Docket No.: 13033.10US01  
Title: AIRWAY IMPLANT AND DELIVERY TOOL AND KIT

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 October 14, 2005.

By:

Name: Linda M. Beckman

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 10/11/05



Timothy R. Conrad  
Timothy R. Conrad  
Reg. No. 30,164  
TRC:lmb

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

Docket Number:

13033.10US01

Application Number:

10/665,941

IN AN APPLICATION

(Use several sheets if necessary)

Applicant: KRUEGER ET AL.

Filing Date: 09/19/03

Group Art Unit: 3738

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,909,250	03/20/1990	Smith			
	4,946,035	08/07/1990	Grimm et al.			
	6,387,113	05/14/2002	Hawkins et al.			
	6,432,035	08/13/2002	Ravins et al.			
	6,530,896	03/11/2003	Elliott			
	6,626,916	09/30/2003	Yeung et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Ersek et al., "Minimally Invasive Macro Implants," <i>Worldplast</i> , Vol. 1, No. 4, pp. 275-285 (1996).

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PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.